

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

MICHAEL OLENDER, <i>et al.</i> ,)	
)	
Plaintiff,)	
)	
v.)	CAUSE NO. 3:07-CV-181
)	
GULF STREAM, INC.,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the Report and Recommendation of Magistrate Judge Christopher Nuechterlein. (DE 47.) Judge Nuechterlein scheduled a telephonic status conference for March 25, 2009, to address Plaintiff's alleged failure to comply with discovery and to determine Plaintiff's intentions regarding dismissal of this case. The Court made several unsuccessful attempts to call Plaintiff for the hearing. Judge Nuechterlein therefore ordered Plaintiff to show cause, by April, 27, 2009, why this case should not be dismissed for failure to prosecute and warned Plaintiff that failure to do so may result in dismissal of this case. (DE 46.) Since Plaintiff has never responded to the show cause order, Judge Nuechterlein recommended that this matter be dismissed without prejudice.

Neither party has filed an objection to Magistrate Nuechterlein's Report and Recommendation. The Court having reviewed the Report and Recommendation and agreeing with the reasoning therein, hereby **ADOPTS** the Report and Recommendation in its entirety. Accordingly, this case is hereby **DISMISSED WITHOUT PREJUDICE**. The Clerk is further directed to treat this matter as **TERMINATED** and all further settings are hereby **VACATED**.

SO ORDERED.

ENTERED: June 15, 2009

s/ Philip Simon
PHILIP P. SIMON, JUDGE
UNITED STATES DISTRICT COURT